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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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AVAYA INC.
307 MIDDLETOWN-LINCROFT ROAD
ROOM 1N-391
LINCROFT, NJ 07738

EXAMINER

ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

JE

Office Action Summary**Application No.**

09/588,963

Applicant(s)

BOGART ET AL.

Examiner

Akiba K Robinson-Boyce

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 11-13 is/are rejected.
- 7) ☒ Claim(s) 7-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/26/04 has been entered.

Status of Claims

2. Due to communications filed 11/26/04, the following is a non-final office action. Claims 1 and 13 have been amended. Claims 1-13 are pending in this application and have been on the merits. The previous office action has been withdrawn and the following action reflects the claims as amended. Claims 1-13 are rejected as follows.

Claim Objections

3. Claim 13 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. In the present case, claim 13 depends on claims 1 and 4-12, which is an improper dependent form. Correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of :

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the “progress of science and the useful art” (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim, the recited process must somehow apply, involve, use, or advance the technological arts.

In the present case, claim 1 is directed to a customer care center that comprises “a contact layer comprising a plurality of media-specific handlers for managing contacts in a plurality of communications media with customers...”, “the communications layer comprising software for managing communications each comprising one or more contacts in one or more media in a media-independent manner...”, “the business layer comprising an interface for defining behavior of the business layer and further

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comprising behavior-implementing software...” These steps produce a tangible result, however, represent mere ideas in the abstract since they are implemented by software per se, and not software embedded on a tangible medium. Since software embedded on a tangible medium does not exist in this claim, claim 1 and all claims that depend from it (Claims 2-12 are therefore found to be non-statutory.

Claim Rejections - 35 USC § 103

6. Claims 1-6, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beck et al (US 6,108,711), and further in view of Rangachari et al (US 6,470,227).

As per claims 1, 13, Beck et al discloses:

A contact layer comprising a plurality of communications media with customers of a business served by the customer care center, each handler adapted to handle a specific one or more of the media, and including connecting the contacts to resources for servicing, collecting and reporting events including contact and resource status, handing the events and assigning the resources either according to received directions received from a communications layer or in a default manner in an absence of the directions from the communications layer, (Col. 4, lines 8-10, [external media layer for managing media contact between customers and business partners and the communications center, where it is shown in Fig. 2, that this external layer is in direct communication with the Workflow or the communications layer], Col. 6, lines 27-29, shows that routing may be performed with direction from within the communication center);

the communications layer comprising software for managing media in a media-independent manner either according to directions received from a business layer or in a default manner in an absence of the directions from the business layer, Col. 6, lines 27-29, shows that routing may be performed with direction from within the communication center), including allocating resources shared by a plurality of handlers and directing handling of events by the contact layer, (Col. 4, lines 12-13, [workflow layer for routing media events], Col. 5, lines 49-56, [shows routing incoming calls to agents]), tracking an accumulating events reported by the contact layer, by applying data from the contact and business layers to decision-making logic derived from dialogs, (Col. 13, lines 16-19, shows a business-logic layer that have business object models that represent contacts), wherein a dialog describes behavior of the customer care center responsive to the events in a context of at least one of present, historical and predicted future conditions, (Col. 11, lines 17-23, providing information about current or historical business processes/interactions to guide and agent with interaction response), and conveying decisions of the decision-making logic to the contact layer, (col. 9, lines 11-13, shows deciding the disposition paths of each event via CINOS, the multi-layered customer-interaction network operating system), and providing event data to the business layer, (Col. 13, lines 16-19, shows a business-logic layer that have business object models that represent events), shows a business-logic layer that have business object models that represent contacts, the business layer comprising an interface for defining behavior of the business layer, (col. 11-12, agent desktop interface), and further comprising behavior-implementing software for managing

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business services by supplying business information that defines the services to the communications layer, (Col. 11, lines 12-16, required tools for interfacing), including *defining workflows of the services*, (Col. 11, lines 9-10, workflow models), each comprising one or more communications, *via the dialogs which are derived by the business layer from business rules*, which define schema of the decision-making logic, and which use business data and data from the communications layer to determine the communications and parameters of the communications for the communications layer, (col. 10, lines 8-12, rule-set knowledge-base that initiates dialog via dialing, e-mail push, etc.).

Beck et al fails does not specifically disclose including defining workflows of the services, each comprising one or more communications, via the dialogs which are derived by the business layer from business rules, which define schema of the decision-making logic, and which use business data and data from the communications layer to determine the communications and parameters of the communications for the communications layer, but does disclose workflow models in col. 11, lines 9-10, and rule-set knowledge-base that initiates dialog via dialing, e-mail push, etc. in col. 10, lines 8-12).

However, Rangachari et al more specifically discloses:

defining workflows of the services, each comprising one or more communications, via the dialogs which are derived by the business layer from business rules, which define schema of the decision-making logic, and which use business data and data from the communications layer to determine the communications and

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parameters of the communications for the communications layer, (col. 13, 12-37, [show workflow templates may be provided by a wide variety of equipment, it is also shown that the workflow definition begins with an activity that is provided by a user through a dialog to, for example to make a determination for the Auto-Id device {represents a communication device}]. Rangachari et al discloses this limitation in an analogous art for the purpose of showing that a dialog can be used by a user to define workflows.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to define workflows of the services, each comprising one or more communications, via the dialogs which are derived by the business layer from business rules, which define schema of the decision-making logic, and which use business data and data from the communications layer to determine the communications and parameters of the communications for the communications layer with the motivation of providing the user with means for accurately defining workflows according to rules.

As per claim 2, Beck et al discloses:

The contact layer manages resources that are not shared by a plurality of handlers, (Col. 2, lines 35-45, [calls do not share a connected channel path], Col. 3, lines 23-27, [separate lines]).

As per claim 3, Beck et al discloses:

Each handler manage the unshared resources that are allocated to that handler, (Col. 3, lines 23-27, [separate lines])

As per claim 4, Beck et al discloses:

The communications layer comprises no media-specific equipment, (Col. 9, lines 45-50, [media of choice]).

As per claim 5, Beck et al discloses:

The communications layer software further directs handling of events according to the accumulated reported events, (Col. 12, lines 32-35, [overall record]).

As per claim 6, Beck et al discloses:

The communications layer software provides information on the accumulated reported events to the business layer, (Col. 13, lines 29-32, [shows that existing network applications (which include communications layer applications) interact with the business object]).

As per claim 11, Beck et al discloses:

The business layer software effects scheduling and adherence tracking of resources by providing business information to the communications layer and obtaining accumulated reported events from the communications layer, (Col. 13, lines 29-32, [shows that existing network applications (which include communications layer applications) interact with the business object], Col. 13, lines 16-19, [shows business-logic layer and the components of that layer that perform different types of communication]).

As per claim 12, Beck et al discloses:

The business layer provides an interface for the business to the customer care center for providing information to and obtaining information from the customer care center, (Col7, lines 9-18, [CINOS application-program interface]).

Allowable Subject Matter

7. Claims 7-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 703-305-1340. The examiner can normally be reached on Monday-Tuesday 8:30am-5pm, and Wednesday, 8:30 am-12:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



A. R. B.
February 2, 2005



SUSANNA M. DIAZ
PRIMARY EXAMINER

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